



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** **BRIAN MCCORMICK**  
Regulatory Supervisor  
Department of Medical Assistance Services

**FROM:** **JENNIFER L. GOBBLE**  
Special Counsel to DMAS

**DATE:** February 21, 2009

**SUBJECT:** Proposed Regulations - Ambulatory Surgery Center Reimbursement Methodology

I have reviewed the attached proposed regulations concerning the implementation of a new reimbursement methodology for ambulatory surgery center providers.

Based on that review, it is this Office's view that the Director of the Department of Medical Assistance Services, acting on behalf of the Board pursuant to Va. Code § 32.1-324, has the authority to promulgate these regulations, subject to compliance with the provisions of Article 2 of the Administrative Process Act and has not exceeded that authority.

The proposed regulations seek to implement a new reimbursement methodology for ambulatory surgery centers in a budget neutral manner that will more closely align with other ambulatory payment methodologies.

If you have any questions or need additional information, please feel free to contact me at 786-4905.

cc: Kim F. Piner  
Senior Assistant Attorney General